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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/187,472 11/06/98 ALLINGTON

R 17990-1-1

EXAMINER

IM62/0310

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ART UNIT

PAPER NUMBER

1761

DATE MAILED:

03/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/187,472

Applicant(s)

Allington et al

Examiner

Drew Becker

Group Art Unit

1761



☒ Responsive to communication(s) filed on Jan 13, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11, 56-58, and 62-79 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11, 56-58, and 62-79 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Objections

1. Claim 64 is objected to because of the following informalities: claim 64 is dependent upon itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi. Camerini Porzi teaches a method of roasting coffee beans comprising a photoemitter element (Figure 1, 1), a photodetector for monitoring the color of the beans during roasting (Figure 1, 2), a colorimeter which produces an output signal equivalent to desired color (Figure 1, 7; column 4, line 17), and a comparator which ends the roasting when the signals from the colorimeter and photodetector are equal (column 4, lines 22-26). Although not specifically recited, it would have been obvious to one of ordinary skill in the art that the desired color or darkness level of Camerini Porzi inherently possesses a desired aroma since both are properties of fully roasted coffee beans.

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4. Claims 1-3, 9-11, 62-64, 71-72, and 77-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as cited above, in view of Tidland et al [Pat. No. 5,958,494]. Camerini Porzi teaches the above mentioned concepts. Camerini Porzi does not teach controlling the temperature or pressure parameters, removing substantially all pollutants from the roasting air followed by cooling and exhausting a portion of the filtered air into the surrounding room, and recycling the remainder back into the roaster. Tidland et al teach a method of roasting comprising removing pollutants from the exhaust (column 2, line 29), recycling the filtered air (column 2, line 28), infrared sensors which monitor the heat within the roaster (column 3, line 47), pressure sensors which monitor the air flow and detect blockages (column 3, line 59), mixing the filtered air with cool ambient air (column 2, line 51), and discharging the remainder of the filtered air to the surrounding room (column 2, line 40). It would have been obvious to one of ordinary skill in the art to incorporate the exhaust system of Tidland et al into the invention of Camerini Porzi since Tidland et al teach that this makes the roasting system more energy efficient (column 2, line 44) and hence decreases the cost of operating the roaster. It would have been obvious to one of ordinary skill in the art to incorporate the pressure and temperature sensors of Tidland et al into the method of Camerini Porzi since temperature and air flow conditions are very important to roasting operations as taught by Tidland et al (column 3, line 44 to column 4, line 5) and since Camerini Porzi already teaches controlling the roasting operation by monitoring and controlling other parameters (ie color and darkness).

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5. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as applied above, in view of Grubbs et al [Pat. No. 4,110,485].

Camerini Porzi teaches the above mentioned concepts. Camerini Porzi does not teach the use of a laser beam with a wavelength of 600-800 nm. Grubbs et al teach a method of evaluating coffee bean color comprising the use of a helium-neon gas laser with a wavelength of 632.8 nm (column 7, lines 41-46). It would have been obvious to one of ordinary skill in the art to incorporate the laser of Grubbs et al into the invention of Camerini Porzi since Grubbs et al teach that the laser light source has only a single wavelength and therefore is simpler to calibrate (column 8, lines 30-36) and since both methods are directed to the color evaluation of coffee beans.

6. Claims 7-8, 68-69, and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as cited above, in view of Tidland et al and Gell Jr [Pat. No. 4,494,314]. Camerini Porzi and Tidland et al teach the above mentioned concepts. Camerini Porzi and Tidland et al do not teach a multiplicity of different product types. Gell Jr teaches a coffee roaster with settings for multiple types of beans and roasting levels (column 4, line 61 to column 5, line 19). It would have been obvious to one of ordinary skill in the art to incorporate the multiple setting and roasting levels of Gell Jr into the invention of Camerini Porzi since Gell Jr teaches that coffee beans come in different sizes and densities which can effect the roasting time (column 5, line 10) and since consumers have varying tastes in coffee.

7. Claims 4-6, 65-67, and 73-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as cited above, in view of Tidland et al and Grubbs et al.

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Camerini Porzi, Tidland et al, and Grubbs et al teach the above mentioned concepts. Camerini Porzi, Tidland et al, and Grubbs et al are combined for the above mentioned reasons and also since they are all directed to methods of roasting coffee beans.

8. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of Tidland et al, Grubbs et al, and further in view of Scher et al [Pat. No. 5,062,066].

Camerini Porzi, Tidland et al, and Grubbs et al teach the above mentioned concepts. Camerini Porzi and Tidland et al do not teach controlling multiple roasting machines at different locations. Scher et al teach a control system for roasting comprising multiple roasters (column 3, line 15) and monitoring the color of the product (column 5, line 16). It would have been obvious to one of ordinary skill in the art to control multiple roasters as taught by Scher et al with the invention of Camerini Porzi since Camerini Porzi teaches a remote processing unit which is located a distance away from the roaster (column 3, line 63) and since multiple roasters would create more diversified products and reduce waiting time.

9. Claims 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of Tidland et al, Scher et al, Grubbs et al, and further in view of Helbling [Pat. No. 5,158,793].

Camerini Porzi, Tidland et al, Grubbs et al, and Scher et al teach the above mentioned concepts. Camerini Porzi, Tidland et al, Grubbs et al, and Scher et al do not teach a step of keeping an inventory and generating a low inventory signal. Helbling teaches a method of making coffee including a weight sensor which detects when a station is empty and generates an "empty" signal

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(column 7, line 54). It would have been obvious to one of ordinary skill in the art to incorporate the weight control system of Helbling into the invention of Camerini Porzi since this would be an effective means of maintaining a constant rate of roasting by eliminating any stoppages in the process due to an empty supply bin.

10. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of Tidland et al, Grubbs et al, Scher et al, and further in view of Gells Jr.

Camerini Porzi, Tidland et al, Grubbs et al, Scher et al, and Gells Jr teach the above mentioned concepts. Camerini Porzi, Tidland et al, Grubbs et al, Scher et al, and Gells Jr are combined for the above mentioned reasons and also since they are all directed to methods of roasting food products.

Response to Arguments

11. Applicant's arguments with respect to claims 1-11, 56-58, and 62-79 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP 40823 A teach a method of roasting coffee beans by comparing the roasting beans color to that of fully roasted beans, Coatney et al [Pat. No. 4,707,138] teaches a color measuring and control device which makes use of specific wavelengths of light (column 1, line 5).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew Becker whose telephone number is (703)-305-0300. The examiner can normally be reached on Monday-Thursday from 7:00 am to 4:00 pm and every other Friday from 7:00 am to 3:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lacey, can be reached on (703)-308-3535. The fax number for this Group is (703)-305-3602.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Drew Becker

February 28, 2000



**KEITH HENDRICKS
PRIMARY EXAMINER**